

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PUDA COAL SECURITIES, INC. et al.
LITIGATION

Case No.: 1:11-CV-2598 (DLC)

Hon. Denise L. Cote

**PLAINTIFFS' NONOPPOSITION TO QUINN EMANUEL'S MOTION TO
WITHDRAW AS COUNSEL FOR DEFENDANT MING ZHAO**

Plaintiffs respectfully submit their nonopposition to the motion of Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”) to withdraw as counsel to Defendant Ming Zhao in the private securities class action (the “Motion”). Dkt. No. 483. Plaintiffs make this submission to raise two issues with the Court.

First, although Plaintiffs do not oppose the Motion, Plaintiffs respectfully ask the Court to require Quinn Emanuel to remain in the case for the limited purpose of completing document discovery from Mr. Zhao. In response to Plaintiffs’ discovery requests, Quinn Emanuel attorneys traveled to China to collect Mr. Zhao’s documents. The firm delivered Mr. Zhao’s first production of documents on December 16, 2014, and subsequently delivered three supplemental document productions in January 2015. Currently, there is no outstanding discovery dispute between Plaintiffs and Mr. Zhao. Nonetheless, before the close of fact discovery on April 15, 2015, a dispute may arise regarding documents that are in Quinn Emanuel’s possession but have not been produced to Plaintiffs—for example, documents withheld on the basis of relevance or privilege. Plaintiffs request that Quinn Emanuel remain available in the event that Plaintiffs seek the production of additional documents in the firm’s possession and/or challenge any assertions of privilege. Additionally, Plaintiffs ask that Quinn Emanuel provide a privilege log for documents withheld on privilege grounds, if any.

Second, Mr. Zhao’s recent actions have violated the Court’s Order Following Default Judgment Hearing (Dkt. No. 464) (the “Order”), which set forth the requirements for conditional denial of Plaintiffs’ motion for default judgment against him. One of those requirements was his personal attendance at a mediation. Just days before the mediation that had been scheduled on February 17, 2015, Plaintiffs and the other Defendants were informed that Mr. Zhao would not attend, resulting in the last-minute cancelation of the mediation. Further, in his declaration

accompanying Quinn Emanuel's Motion, Mr. Zhao states that he "will not participate in or otherwise continue the defense of" this action. Dkt. No. 486. This statement strongly indicates that he will not appear for a deposition, which is another requirement of the Order. In light of these developments, and pursuant to the Order, Plaintiffs will request that a default judgment be entered against Mr. Zhao.

DATED: February 20, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2015, a true and correct copy of the foregoing PLAINTIFFS' NONOPPOSITION TO QUINN EMANUEL'S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MING ZHAO was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Yu Shi